



TOWARD THE HORIZON **TRIBUNALS OF THE FUTURE**

7 - 8 June 2018 | QT Canberra, ACT

DELEGATE WORKBOOK

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Welcome

On behalf of the Conference Committee, welcome to the national capital and to the 2018 COAT National Conference. We hope that you find all aspects of the Conference rewarding.

Consistent with the Conference theme '*Toward the Horizon - Tribunals of the Future*' we will be looking beyond the day-to-day work of tribunals to features of the broader community. Speakers from the law and other disciplines will help us understand changes in the environment in which we operate, in order to inform the development of future tribunal practices. Together we will consider such topics as demographic change, developments in technology and security issues.

There are also sessions dealing with the skills that tribunal members need to do their work successfully - such as preparing and delivering ex tempore decisions, dealing with litigants in person, communicating clearly and identifying and dealing with conflicts of interest.

The former Chief Justice of Australia, the Hon Robert French AC will deliver the keynote address on '*Access to Justice, Administrative Tribunals and the Rule of Law*'.

Another highlight will be the Conference Dinner at the Australian War Memorial on the evening of the Thursday 7 June, 2018. Our guest speaker is Chris Latham, the Memorial's first musician-in-residence. His presentation and other parts of the program that evening – as well as a fine meal – promise to make this a night to remember.

We hope that you can also make the most of Canberra's other special attractions. It might be cold outside (locals call it 'brisk') but there are plenty of things to enjoy indoors at the National Gallery, National Library, National Portrait Gallery. Old Parliament House, Questacon and the War Memorial, as well as the Arboretum and places beyond.

We hope that you can make the most of the Conference and your time in Canberra.

I look forward to sharing the Conference with you.



Graeme Neate
Conference Chair
2018 COAT National Conference

Acknowledgements

We would like to acknowledge and thank the contributions made by many towards the success of the 2018 COAT National Conference.

Anne Britton	Chair, <i>COAT National</i>
Gary Humphries	Deputy President, <i>Administrative Appeals Tribunal</i>
Suzanne Sheridan	Deputy President, <i>Queensland Civil and Administrative Tribunal</i>
Kathleen McEvoy	Secretary, <i>COAT National</i>
Anita Smith	Member, <i>Victorian Civil and Administrative Tribunal</i>
Jarrold Bryan	Registrar, <i>Resource Management and Planning Appeal Tribunal</i>
Anina Johnson	Deputy President, <i>NSW Mental Health Review Tribunal</i>
Geoffrey McCarthy	Presidential Member, <i>ACT Civil and Administrative Tribunal</i>
Bertus De Villiers	Member, <i>State Administrative Tribunal (WA)</i>
Jim Crichton	Chief, <i>Employment Relations Authority (NZ)</i>

About COAT

COAT was established in 2002 to encourage communication between tribunals and members throughout Australasia; to promote and encourage the development of best practice models for tribunals and to provide a forum for education, research and reform in the field of administrative justice.

COAT maintains strong links with other peak bodies, such as the Australian Institute of Judicial Administration, the Judicial College of Australia and the Judicial Council on Cultural Diversity. COAT takes a leadership role in issues of particular importance to Tribunal members, such as commissioning the *Best Practice Guide to Tribunal Independence in Appointments*. Networking and education are offered through the annual National Conference, as well as Biennial Conference for Registrars and Executive Officers. These are supplemented by the reference tool, a 'Practice Manual for Tribunals'.

For further information contact:

Kathryn McKenzie, Secretariat
Council of Australasian Tribunals (COAT)

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PO Box 268, Darlinghurst NSW 1300



Conference Organisers



Conference Management for the 2018 COAT National Conference has been provided by GEMS Event Management. Should you require anything in relation to your attendance at the conclusion of the Conference, please contact GEMS using the details below.

Julie McGraw

Managing Director

Email : jmcgraw@gemsevents.com.au

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Sarah Padget

Senior Conference Coordinator

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Conference Information

ATTIRE

All sessions of the 2018 COAT National Conference call for smart casual attire

CATERING

Lunch and Afternoon Tea will be provided for all individuals registered to attend the Conference on Thursday, 7th June. Arrival Tea and Coffee, Morning Tea, Lunch and Afternoon Tea will be provided for all individuals registered to attend the Conference on Friday, 8th June, 2018. Morning Tea and Afternoon Tea will be available in the Pre Function area on level one of the QT Canberra. Lunch will be served downstairs in the Capitol Bar and Grill.

CERTIFICATES OF ATTENDANCE

For all those delegates who require verification of their attendance at the 2018 COAT National Conference, Certificates of Attendance are available upon request and will be provided via email in PDF format. Please visit the Conference Registration Desk for further details. Alternatively, requests can be made via email to spadget@gemsevents.com.au following the Conference.

CONFERENCE DINNER

The 2018 Conference Dinner will be held on the evening of Thursday, 7th June, in ANZAC Hall at the Australian War Memorial. A ticket to the Conference Dinner is included in some Full Conference Registration Packages. A Ticket to attend the dinner can be found in the back of your name badge. If you believe you have registered for the dinner but don't have a ticket, please see the team from GEMS at the registration desk before Afternoon Tea on Thursday, 7th June.

EVALUATION

Your feedback matters! All Conference and concurrent session evaluations will be delivered to you electronically through QuestionPro on Monday, 11th June, immediately following the Conference. Please take the time to complete all session and Conference evaluations, so that we can use your comments and suggestions to deliver productive and innovative Conferences in the future.

FIRST AID

If you require First Aid, please go to the Conference Registration Desk.

LOST AND FOUND

Please ensure that you secure all valuables, including laptops, tablets and mobile phones at all times. If you lose an item or find an item while attending the 2018 COAT National Conference, please contact the Conference Registration Desk.

MOBILE TELEPHONES

In consideration of both speakers and delegates, all mobile telephones must be switched to silent during all presentations.

NAME BADGES

Your Conference name badge **MUST** be worn in order to receive admittance to all Conference sessions, social events and access to catering. If you lose your Conference name badge, please visit the Conference Registration Desk, as we will be happy to provide you with a replacement.

SPECIAL DIETARY REQUIREMENTS

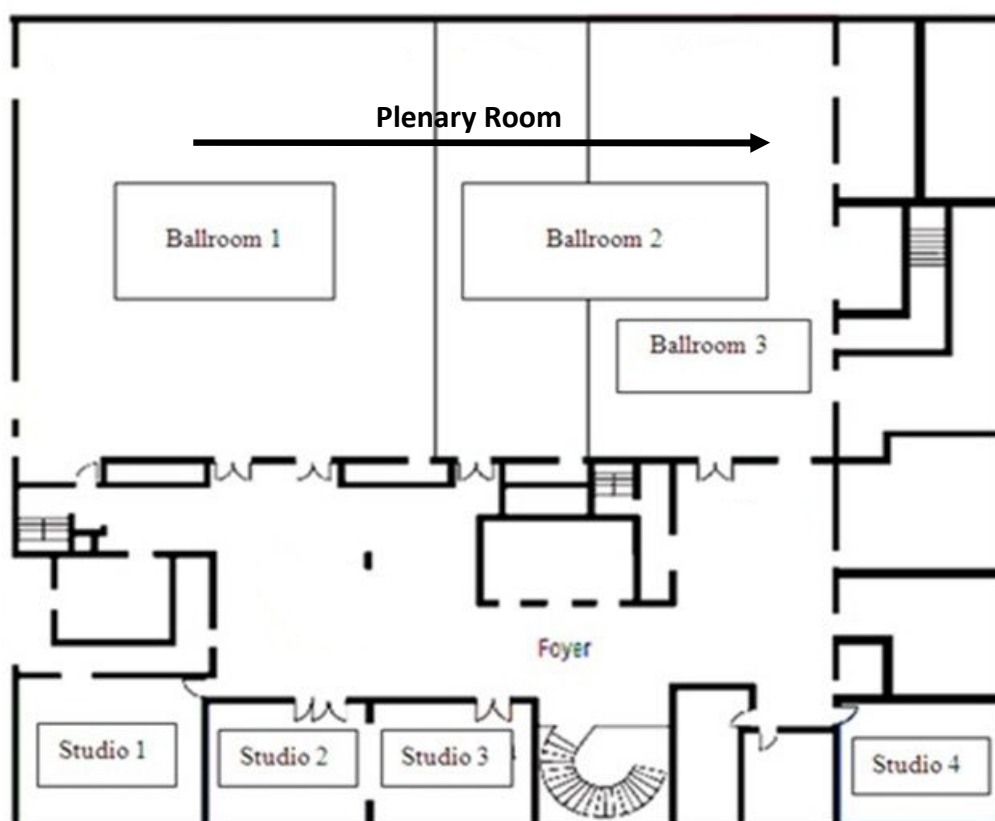
Common dietary requirements will be catered for within the day to day catering at the Conference. All items on the catering stations will be clearly labelled. For all special dietary requirements there will be a separate table inside the catering area. Should you not be able to find a suitable option please contact the Conference Registration Desk located in the Pre-function area where we will be able to assist you.

If you have any questions or if you have a dietary requirement you did not previously indicate on your registration, please contact the Conference Registration Desk.

VENUE

The 2018 COAT National Conference will be held on Level 1 of the QT Canberra. Conference Keynote and Plenary Sessions will be held in the Ballroom located on Level 1. The room will then be split for Concurrent Sessions which will be held in Ballroom 1, Ballroom 2 and Ballroom 3. If you have any questions in relation to the location of any of the sessions, please visit the Conference Registration Desk in the Pre-function area.

CONFERENCE VENUE FLOORPLAN



Opening Address

Gordon Ramsay *ACT Attorney General*



Born in Sydney in 1964, Gordon originally studied Arts-Law at University of Sydney and went into practice as a commercial and intellectual property solicitor.

He became a Uniting Church Minister in 1993, serving the community of Kingsgrove-Bardwell Park before moving to Canberra in 1997 to lead Kippax Uniting Church.

From 1997–2016, Gordon was the Executive Minister at Kippax in the West Belconnen area, establishing a UnitingCare agency which grew to become one of the largest and most influential community service organisations in the ACT. During this time, Gordon became a major spokesperson and organiser for social justice.

He was significant in the Anti-Poverty Week movement, the ACT Council of Social Services, was a member of the ACT Community Inclusion Board and a Community Inclusion Advocate. He was a Community Champion for the 2020 Time To Talk process, and a member of the ACT Better Services Taskforce. In 2012, he led the ACT Targeted Assistance Strategy.

In 2015, Gordon was recognised as a finalist in the ACT Local Hero category of the Australian the Year awards.

He also served on the board of Uniting, one of Australia's largest, and not-for-profit, aged care providers, from 2011, including as Chair from 2014–2016.

Gordon was elected to the ACT Assembly in 2016 and holds the portfolios of Attorney-General, Regulatory Services, Arts and Community Events, and Veterans and Seniors.

Keynote Speakers

The Hon. Robert French AC

Former Chief Justice of the High Court of Australia

Robert French was appointed Chief Justice of the High Court of Australia on 1 September 2008 and retired from that office on 29 January 2017.

He is a graduate of the University of Western Australia in science and law. He was admitted in 1972 and practised as a barrister and solicitor in Western Australia until 1983 when he went to the Independent Bar. He was appointed a Judge of the Federal Court of Australia in November 1986, an office he held until his appointment as Chief Justice on 1 September 2008. From 1994 to 1998 he was the President of the National Native Title Tribunal.

In 2010, he was made a Companion in the Order of Australia and a Fellow of the Academy of Social Sciences in Australia. He is a Founding Fellow of the Australian Academy of Law, a member of the American Law Institute, and an Honorary Life Member of the Australasian Law Teachers Association, the Australasian Institute of Judicial Administration, the Australian Bar Association and the West Australian Bar Association.

Mr French was appointed as a Non-Permanent Justice of the Hong Kong Court of Final Appeal in May 2017.

Since August 2016 he has been an Adjunct Professor at the Law School at the University of Western Australia, a Distinguished Honorary Professor at the Australian National University since October 2016 and from 2017 an Adjunct Professor at Monash University Law School.

Mr French is a Board member of the Graham (Polly) Farmer Foundation. He is a member of the Committee on International Freedom of Scientists of the American Physical Society.



Genevieve Bell

Director of the 3A Institute and Professor, Australian National University

Professor Bell is the Director of the 3A Institute, Florence Violet McKenzie Chair and a Distinguished Professor at the Australian National University (ANU) as well as a Vice President and Senior Fellow at Intel Corporation. Prof Bell is a cultural anthropologist, technologist and futurist best known for her work at the intersection of cultural practice and technology development.

Professor Bell joined the ANU's College of Engineering and Computer Science in February 2017, after having spent the past 18 years in Silicon Valley helping guide Intel's product development by developing the company's social science and design research capabilities.

Professor Bell now heads the newly established Autonomy, Agency and Assurance (3A) Institute, launched in September 2017 by the ANU in collaboration with CSIRO's Data61, in building a new applied science around the management of artificial intelligence, data, technology and their impact on humanity.

Professor Bell is the inaugural appointee to the Florence Violet McKenzie Chair at the ANU, named in honour Australia's first female electrical engineer, which promotes the inclusive use of technology in society. Professor Bell also presented the highly acclaimed ABC Boyer Lectures for 2017, in which she interrogated what it means to be human, and Australian, in a digital world.

Professor Bell completed her PhD in cultural anthropology at Stanford University in 1998.



Denise Carlton

Chief Demographer, Australian Bureau of Statistics

Denise Carlton is the Program Manager for Population Statistics at Australian Bureau of Statistics, which includes Demography and the Migration Statistics sections. Denise has over 25 years experience with ABS, is a previous director of Demography, and has worked in areas such as Labour Statistics, Social Analysis and reporting, the Measures of Australia's Progress project and Health and Disability Statistics. She was the director responsible for data quality at the 2006 Census.

Denise is passionate about using data to tell the story of our society and how it is changing, and about how good statistical information can help improve the wellbeing of all Australians into the future.

Denise has qualifications in English Literature, History, Media Studies and Applied Statistics.



Tom Howe PSM QC

Chief Counsel, Dispute Resolution, Australian Government Solicitor

Tom Howe QC's distinguished service to public law and Commonwealth litigation has been recognised in two ways: first, by conferral of the distinctive honour of being appointed a Commonwealth Queens Counsel in 2007; secondly, by the award of a Public Service Medal in the Queen's Birthday Honours List 2015 for 'outstanding public service through Commonwealth litigation'.

The PSM award citation stated that Tom 'provides the highest level of guidance to the Government and its lawyers on significant and sensitive Commonwealth litigation....[in] precedent-setting cases, spanning various legal disciplines. Mr Howe has shaped substantial areas of public law and practice in areas as diverse as national security, employment law, administrative law and parliamentary privilege.'

Tom has been Chief Counsel of AGS Dispute Resolution Practice since 2002. He specialises in appearance work before courts and tribunals, and advising the Commonwealth government, in sensitive and complex matters of high public importance. He regularly appears for security and law enforcement agencies of the Commonwealth in proceedings involving protection of sensitive information.



Panellists

The Hon. Philip Ruddock

Former Commonwealth Attorney-General

Philip Maxwell Ruddock was elected Mayor of Hornsby on 9 September 2017, after serving as Australia's Special Envoy for Human Rights from February 2016 to October 2017 and a Member of the Australian Parliament from September 1973 to May 2016.

Philip Ruddock served continuously in the federal ministry and cabinet during the Howard Government, as Minister for Immigration and Multicultural Affairs (March 1996 – October 2003), and then Attorney-General (October 2003 – November 2007). He also served as Minister for Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation. Philip Ruddock was a foundation member (formerly Chair) of the Parliamentary Amnesty Group (1974 – 2016) and a foundation member (formerly Chair) of Australian Parliamentarians Against the Death Penalty. He was also a member of the Parliamentary UNICEF Association, the Parliamentary Christian Fellowship, the Australia – China Parliamentary Friendship Group (formerly Chair) and multiple other Parliamentary Friendship Groups until May 2016. In February 2016 Philip Ruddock announced his retirement from politics and was appointed Australia's Special Envoy for Human Rights, a position he held until October 2017 when Australia successfully nominated for the first time for membership of the United Nations Human Rights Council.



The Hon Rob Hulls

Former Victorian Attorney-General

Rob Hulls completed his law course at RMIT and began his career as a Solicitor for the Legal Aid Commission of Victoria from 1984 to 1986. Rob then moved to Mt Isa in Queensland, and worked for the West Queensland Aboriginal Legal Service for 5 years. He then served one term in Federal Parliament from 1990–93 as the member for Kennedy, Queensland and in 1994 on return to Melbourne was appointed Chief of Staff to the Victorian Leader of the Opposition. In his state political career Rob held the offices of Attorney-General; Minister for Manufacturing Industry and Minister for Racing, Minister for WorkCover, Minister for Planning and Minister for Industrial Relations.

As Attorney-General, Rob instigated significant changes to Victoria's legal system which saw the establishment of the state's first Charter of Human Rights. He established specialist courts in Victoria including for Victoria's indigenous community, for people with mental health issues, for people with drug addiction and for victims of family violence. He also opened up the process for the appointment of people to Victoria's judiciary to ensure that more women and people from diverse backgrounds were appointed.

In October 2012, Rob was appointed Adjunct Professor at RMIT and was invited to establish the new Centre for Innovative Justice as its inaugural Director. The Centre's objective is to develop, drive, and expand the capacity of the justice system to meet and adapt to the needs of its diverse users. The Centre has facilitated the establishment of a multi-disciplinary practice on site with lawyers and social workers together with students providing holistic, wrap-around services to female prisoners in Victoria.



Doug Humphreys OAM
President, New South Wales Law Society

Doug Humphreys has more than 35-years legal and managerial experience across a diverse range of legal practice and policy areas. He has been a Councillor of the Law Society since 2008 and participated in key policy committees including Professional Conduct, Licencing, Disclosure, Ethics and Government Solicitors.

Doug began his career in private practice following his graduation with a combined Commerce/Law degree at University of NSW in 1980. He went on to work for the Criminal Law Division of the Legal Aid NSW from 1984 until 1993 when he took up the role as the division's Director, a position he held until 2003. Doug was then appointed Principal Registrar and Chief Executive Officer of the Commonwealth Administrative Appeals Tribunal.

During this time, he completed a Master of Laws at Monash University majoring in tribunal procedures. He also served as Secretary and then Executive Officer of the Council of Australasian Tribunals from 2003 to 2009. Doug has been a member of the Australian Army Reserve since 1976. He was commissioned as an officer in the Royal Australian Infantry in 1979. He remains an active member of the Reserve. He holds a Graduate Diploma of Military Law with merit from Australian National University. Doug was Principal Member of the Veterans' Review Board from 2010 until taking up the role of President of the Law Society on January 1, 2018.



Thrills Spills and Skills Presenters

Laura Beacroft

ACT Sentence Administration Board/ ACT Civil and Administrative Tribunal

Laura Beacroft is currently the Chair of the ACT Sentence Administration Board (ie the parole board) and a senior member of the ACT Civil and Administrative Tribunal. Laura has held senior positions at NSW Legal Aid Commission and the Australian Institute of Criminology, in corporate regulation and developing/managing policies and programs in the justice system (for eg the Indigenous Legal Services, Family Violence Prevention Legal Services). She has moonlighted in radio, creating programs for ABC radio and also done guest lecturing around Australia and overseas. She is a co-author of the textbook *'Indigenous Legal Issues'* - the 5th edition will be published in mid-2018. Laura is a solicitor, having graduated from UNSW, and also has other degrees in environmental science and sociology.



Dr Janina Boughey

University of New South Wales

Janina is a Senior Lecturer in the UNSW Faculty of Law and a member of the Gilbert + Tobin Centre of Public Law. Janina teaches and researches in Australian, Canadian and UK public law. Her work focuses on the interaction between human rights and judicial review of administrative action, comparative administrative law, statutory interpretation and the nature and limits of the constitutional powers of the judiciary and legislature to hold the executive to account.

Janina's book, *'Human Rights and Judicial Review in Australia and Canada: The Newest Despotism?'*, examines the effect of judicially-enforceable human rights charters on the development of the principles of judicial review of administrative action in Australia and Canada. She is also a co-author of *'Public Law and Statutory Interpretation: Principles and Practice'* (Federation Press, 2017), a student-focused text which examines fundamental public law principles together with the principles and process of statutory interpretation. Her current projects include a collaborative research project examining trends in the use of legislation and its interpretation and their implications for the scope and review of executive power and a forthcoming book on Australian government liability and remedies (with Greg Weeks). Janina holds a PhD from Monash University, for which she received the 2014 Mollie Holman doctoral medal, undergraduate degrees in Law and Economics (social science) from Sydney University, both with first class honours, and an LLM in government law from the Australian National University. She has previously worked in a number legal, policy and research positions including in the Administrative Law section of the Commonwealth Attorney-General's Department, as a researcher in the Department of the Senate and as Chair of Social Security Rights Victoria. Janina is the Reviews Editor of the Australian Journal of Administrative Law.



Gina Frampton

Clear Communication Consultant, Writing Comes Alive

Gina is a lawyer, editor and journalist. She graduated in law from the Universities of Cape Town and Sydney, working first in industrial law in South Africa and then in commercial litigation in Sydney – a spectrum of work that extended from a legal centre in a squatter camp to a large corporate law firm.

She later studied journalism at the University of Technology, Sydney and has been a member of the Institute of Professional Editors for 17 years. Gina is passionate about clarity in writing and communication and has worked for more than 15 years in the legal, banking, insurance and government sectors.



Chief Magistrate Lorraine Walker

ACT Chief Magistrate

Chief Magistrate Walker was appointed to the ACT Magistrates Court in April 2010.

Prior to her appointment as a Magistrate she had over 20 years experience in the legal profession working as a barrister in the ACT for the 10 years. Magistrate Walker has extensive experience, which includes being a partner of a law firm, a crown prosecutor, a solicitor and a legal officer in the Royal Australian Air Force. She also tutored at the Australian National University and mentored junior practitioners.

Magistrate Walker is a keen advocate of alternative dispute resolution. Recently she provided an email of support in relation to University of Canberra setting up an Alternative Dispute Resolution Unit in Law, by saying “I am of the view that any law degree which fails to address ADR options is also failing future lawyers and, more significantly, the community. There are very few areas of law and jurisdictions in which ADR is not now formally mandated, to some degree. A proper understanding of the forms and role of ADR, along with some knowledge as to its practice, is part of the basic skill set of a 21st century lawyer in Australia.”



Dr Liz Richarson

Deputy Director, Australian Centre for Justice Innovation, Monash University

Dr Liz Richardson is Deputy Director and Senior Research Fellow at the Australian Centre for Justice Innovation and completed her PhD on mental health courts in 2016. She has worked on a number of projects in the field of justice innovation and written several publications on self-represented litigants. In 2004, as the Senior Judicial Researcher at the County Court of Victoria, Liz wrote the monograph *'Self-Represented Parties: A Trial Management Guide for the Judiciary'* which was published by the County Court of Victoria. She co-authored the reports E Richardson, T Sourdin and N Wallace, *'Self-Represented Litigants: A Literature Review'* (May 2012) and E Richardson, T Sourdin and N Wallace, *'Self-Represented Litigants: Gathering Useful Information Final Report'* (June 2012), and the article E Richardson and T Sourdin, *'Mind the Gaps: Making Evidence Based Decisions about Self-Represented Litigants'* (2013) 22(4) *Journal of Judicial Administration* 191. In 2018, she is co-authoring, with Dr Janina Boughey and Dr Genevieve Grant a report for the AIJA, *'The Impacts of Self-Represented Litigants on Civil and Administrative Justice: Environmental Scan of Research, Policy and Practice'*.



Professor Peta Spender

ACT Civil and Administrative Tribunal

Professor Peta Spender is Deputy Dean of the ANU College of Law, a Professor and a Fellow of the Australian Academy of Law. She is a Presidential Member of the ACT Civil and Administrative Tribunal and formerly appointed to the ACT Courts Joint Rules Advisory Committee. Her research passions straddle corporations/financial markets law and litigation. She has published widely in both areas and made submissions to various law reform bodies including the James Hardie Special Commission of Inquiry.

Professor Spender is a co-author of the leading Australian casebook on litigation and is working on a project about process and substance in civil justice systems. Part of this research was presented at the inaugural Public Law Conference at the University of Cambridge.

She is also a respected a corporate law scholar and her works have been cited by the Australian High Court and in amicus briefs filed in the US Supreme Court. For many years she has explored the role of women in corporations and has recently argued that Australia is at a critical juncture where the public, pragmatic nature of its statutory regulation of corporations and the current salience of gender as a political issue may favour the introduction of gender quotas for corporate boards.



Concurrent Session Presenters

Tim Begbie

Australian Government Solicitor

Tim holds the position of Senior General Counsel at AGS. He has a busy counsel practice, appearing in Courts and Tribunals around Australia in national security matters, public law litigation and civil regulatory proceedings. He has particular expertise in cases involving the protection of sensitive information, including national security information. He has appeared in relation to these issues in the Federal Court, numerous State and Territory superior courts and civil and military tribunals. This has included cases in the specialist Security Appeals Division of the AAT, as well as challenges to Tribunal proceedings in the Federal Court.



Australian Government Solicitor

Vicki Campbell

Employment Relations Authority, NZ

Vicki was first appointed to the Employment Relations Authority in 2002. This appointment recognised Vicki's extensive knowledge and experience in all forms of employment and industrial relations matters including resolving employment relationship problems and negotiating collective agreements and resolving disputes on behalf of clients.

In 2011 Vicki resigned her Warrant to practice as a Solicitor for a private firm where she specialised in resolving employment relationship and industrial relations issues for clients. She was reappointed to the Authority in 2014 and was appointed as the Chief's delegate in 2016.



Justin Davidson

Team Leader, Law Enforcement Team, Dispute Resolution, Australian Government Solicitor

Justin leads the law enforcement team in AGS Dispute Resolution. Justin regularly acts for Commonwealth agencies and personnel before inquests, commissions of inquiry and parliamentary proceedings. Among others, he was solicitor on the record for the Commonwealth in the Royal Commission into Institutional Responses to Child Sexual Abuse and the Royal Commission into the Protection and Detention of Children in the Northern Territory. He assists a wide range of Commonwealth parties in responding to subpoenas and other compulsory information notices in courts and tribunals around Australia.

A recognised leader in information access law, he regularly advises on and appears in disputes under the *Freedom of Information Act 1982*, *Privacy Act 1988* and *Archives Act 1983*. Justin also has significant expertise in administrative law litigation and is a section editor for the *Australian Journal of Administrative Law*.



Dr Bertus de Villiers

State Administrative Tribunal of Western Australia

Bertus de Villiers (BA Law, LL.B, LL.D) is a Member of the State Administrative Tribunal of Western Australia. He is also an Adjunct Professor of the Law School of Curtin University, Perth. He is admitted as a legal practitioner in South Africa and Australia. He is a Fellow of the Alexander von Humboldt Stiftung (Germany). Dr De Villiers has published extensively in areas of administrative and constitutional law. He is co-author of an authoritative book on the State Administrative Tribunal. He has lectured at various institutions in Australia and abroad. In recent years he has been invited to Ethiopia, Sudan, the Philippines, Pakistan and South Sudan to give lectures on constitutional issues.



Justice Greg Garde AO RFD

President, Victorian Civil and Administrative Tribunal

Justice Garde was appointed a Justice of the Supreme Court of Victoria on 29 May 2012. Before His Honour's appointment to the Supreme Court, he was a practising Queens Counsel. Justice Garde signed the Victorian Bar Roll in 1974, and was appointed a Queens Counsel in 1989.

Justice Garde has also lectured in Administrative and Constitutional Law. His Honour is a former Chairman of the Planning and Local Government Committee of the Commercial Bar Association and of the Bar's Law Reform Committee. His Honour is a former President of the Victorian Chapter of the Council of Australasian Tribunals.

He was appointed President of VCAT on 1 June 2012.



Justice Judy Hughes

South Australian Civil and Administrative Tribunal

Justice Hughes has undertaken policy development roles within Government and worked in the Attorney-General's Office. Between 2000 and 2006, she was Deputy Commissioner for Consumer and Business Affairs and in that role was closely involved in real estate reforms, industry regulation, incorporated associations and consumer law.

Justice Hughes returned to work with the Crown Solicitor's Office in 2006 as an Executive Solicitor. She was appointed Crown Solicitor in April 2017, overseeing an office of 280 staff, before being appointed to the Supreme Court and as President of SACAT.



Kate Carnell AO

Australian Small Business and Family Enterprise Ombudsman

Kate Carnell commenced as Australian Small Business and Family Enterprise Ombudsman (ASBFEO) in March 2016.

Kate brings extensive experience and knowledge to the role of Ombudsman, having run her own small businesses for 15 years before becoming ACT Chief Minister in 1995 for a five year period. Prior to her appointment as the inaugural ASBFEO, Kate held the position of CEO of the Australian Chamber of Commerce and Industry, which represents more than 300,000 businesses across Australia. She has also served two years as CEO of beyondblue, four years as CEO of the Australian Food and Grocery Council, four years as CEO of the Australian General Practice Network and three years as CEO of the National Association of Forest Industries. Kate is a pharmacist by profession and was the inaugural chair of the ACT Branch of the Pharmacy Guild of Australia and the first female to become the National Vice-President of the Pharmacy Guild of Australia. Kate was appointed an Officer of the Order of Australia in 2006 for her services to the community through contributions to economic development and support for the business sector, knowledge industries, the medical sector and medical technology advances.



Sian Leathem

CEO and Principal Registrar, Administrative Appeals Tribunal

Sian Leathem is the current Registrar and Chief Executive Officer of the Administrative Appeals Tribunal (AAT) for a five year term which commenced on 7 April 2015. Her role is to assist the President to manage the Tribunal and advise on its operations and performance. The Registrar may act on behalf of the President in relation to the administration of the Tribunal.

Ms Leathem has over ten years' experience in tribunal management at both state (NSW) and federal level. She led the project team responsible for merging twenty-two existing tribunals into the New South Wales Civil and Administrative Tribunal (NCAT) and performed the role of Principal Registrar of that amalgamated tribunal.

Prior to her role at NCAT, Ms Leathem was the Registrar of the Workers Compensation Commission of NSW for five years. Ms Leathem also has a wealth of legal policy experience that she gained through various roles in the NSW Attorney General's Department and in the Department of Prime Minister and Cabinet.

Ms Leathem holds a Bachelor of Laws (Hons), a Master of Arts (Merit) and an Executive Masters in Public Administration. In 2002, Ms Leathem was awarded the Excellence in Government Legal Service Award by the Law Society of New South Wales and in 2014 she received the Excellence in Leadership Award from the NSW Department of Justice. She was also awarded the Young Public Sector Leader Award by the Institute of Public Administration Australia in 2011.



Jann Lennard

New South Wales Civil and Administrative Tribunal

Jann has been serving on Tribunals for 20 years. Her first appointment was to the ACT Residential Tenancy Tribunal in 1998. She also served on the ACT Guardianship and Management of Property Tribunal and the ACT Consumer and Trader Tribunal until 2009 when she was appointed to ACAT. In 2011 Jann was appointed to the Consumer Trader and Tenancy Tribunal in NSW and then to NCAT.

Jann was an ACT Finalist in the Telstra Business Women's Awards - Shell Corporate and Government Award, 1999 and received the Vice Chancellor's Award for Excellence University of Canberra 1998. The theme of the award was the promotion of the University within Australian professions.



Emma Montgomery

Senior Legal Member, Mental Health Tribunal, VIC

Ms Emma Montgomery was appointed as a Senior Member of the Victorian Mental Health Tribunal in July 2014. Prior to her appointment Emma was a senior public servant in the Department of Health and led the review of the *Mental Health Act 1986* (Vic), including statewide community consultations and the preparation of green and white papers. At that time, Victoria's law regulating compulsory mental health treatment was based on an outdated paradigm of substitute decision making which was inconsistent with the United Nations Convention on the Rights of People with Disabilities and the *Charter for Human Rights and Responsibilities Act 2006* (Vic). The reforms introduced in the *Mental Health Act 2014* (Vic) included the introduction of supported decision making as well as the establishment of the Tribunal and Mental Health Complaints Commissioner.

Emma has Bachelor of Arts and Bachelor of Laws (University of Tasmania), a Master of Laws (University of Western Australia) and a Master of Public Administration (Australian and New Zealand School of Government and Melbourne University).



Genevieve Nihill AM

Victorian Civil and Administrative Tribunal

Genevieve Nihill AM is a Deputy President of the Victorian Civil and Administrative Tribunal, and is Head of VCAT's Human Rights Division, and Head of the Guardianship List and the Human Rights List. She has been a member at VCAT since 2004, working across most Lists. She is an accredited and experienced mediator, and was previously the ADR Member for VCAT, responsible for the Alternative Dispute Resolution program. Genevieve has been a member of several other tribunals, including the Mental Health Review Board, Intellectual Disability Review Panel and various health practitioner registration board hearing panels. She has a background of practice in public and community law.



Dr Anna Olijnyk

Lecturer, Law School, The University of Adelaide

Dr Anna Olijnyk is a lecturer and Deputy Director of the Public Law and Policy Research Unit at Adelaide Law School, University of Adelaide.

She teaches and researches in constitutional and administrative law. Her work has been published in leading Australian law journals and she is co-author of *Government Accountability: Australian Administrative Law* for Cambridge University Press.



Paul O'Sullivan AO CNZM

Former Diplomat and Director General of Australian Security Intelligence Organisation

Paul O'Sullivan is a Company Director and Strategic Advisor. He was previously the Chief of Staff to the Commonwealth Attorney-General from October 2013 to June 2016. Previously he was Australia's High Commissioner to New Zealand from March 2009 until July 2012. Prior to taking up that appointment, Mr O'Sullivan was Director-General of the Australian Security Intelligence Organisation (ASIO) from 2005 until February 2009. He was concurrently a Commissioner of the National Crime Commission. In 2004 and 2005, Mr O'Sullivan was the Senior Adviser (International) in the office of the Prime Minister (The Hon John Howard MP).

Mr O'Sullivan served overseas as Australia's Ambassador in Bonn and Berlin (1999--2003), Deputy Chief of Mission in Washington (1996-1998) and Ambassador and Permanent Representative to the United Nations, accredited in Geneva and New York (1991-1994). Mr O'Sullivan has also served in the Australian Embassies in Rome and Cairo. He was Australian Commissioner-General for the 2000 World Expo held in Hanover.

In Canberra, Mr O'Sullivan has held a range of senior positions in the Department of Foreign Affairs and Trade including Acting Secretary (2002-2003), Deputy Secretary (2003-2004), First Assistant Secretary, International Organisations and Legal Division (1995-1996) and First Assistant Secretary, Americas and Europe Division (1994-1995). Mr O'Sullivan was made an Officer of the Order of Australia in the Australia Day 2010 Honours List, for service to public administration through significant contributions to the advancement of Australia's security and the development of international relations.



Judge Bala Reddy

State Courts Singapore

Mr Bala Reddy is currently Principal District Judge in the State Courts of Singapore and oversees the Community Justice and Tribunals Division. Prior to this he was Chief Prosecutor at the Attorney General's Chambers, Singapore. He is an advocate and solicitor of the Supreme Courts of Singapore, Brunei and also a solicitor England and Wales. He is also a Fellow of the Singapore Institute of Arbitrators. As a litigator with more than 39 years' experience he has conducted several landmark criminal prosecutions and appeals in Singapore. As Principal District Judge from 2005 to 2008 he was instrumental in setting up the Community Court in Singapore.

Besides his LLB (Hons)(Spore), LLM(NUS) and M Phil(Criminology) Cambridge(Trinity Hall) degrees he is also an alumnus of the Harvard Business School and the UN Asia and Far East Institute for the Prevention of Crime. From 1992 to 2014 he was senior teaching fellow, subject co-ordinator and Examiner for Criminal Litigation Practice Course for the Part B exams conducted by the Singapore Institute of Legal Education and its predecessor, Board of Legal Education. He is also an adjunct faculty member in the law school at the Singapore Management University. He has represented Singapore at a number of international negotiations including the UN Convention against Transnational Organised Crime and its Protocols and the UN Convention against Corruption (UNCAC). He has also held appointments as the UNDP legal expert in the Government of Vietnam – UNDP Project on strengthening the penal laws of Vietnam; serving as the legal expert in the Asia Pacific Group against Money Laundering Mutual Evaluations of countries; and serving as legal expert to review compliance by several member nations in the implementation of the provisions of UNCAC.



Sue Salthouse

Disability Advocate, ACT

Ms Sue Salthouse has worked in the area of social justice and human rights since 1996. She is particularly concerned about how the intersecting issues of gender and disability discrimination affect women with disabilities. Sue is Chair of Women With Disabilities ACT, a systemic advocacy organisation which bases activities on principles delineated in the Human Rights conventions ratified by Australia.

She is a Director of Women in Adult and Vocational Education and Rights & Inclusion Australia and a past chair of Advance Personnel (Disability Employment Service). In 2015-2016 she was the ACT representative on the COAG Advisory Panel on reducing violence against women and their children. She is a member of the governing Council of the University of Canberra. Sue was announced as the ACT Senior Woman of the Year 2014, a finalist in Australian of the Year in 2015, the 2015-2016 ACT Citizen of the Year, and won the national disability sector Lesley Hall Leadership Award in 2017.



Malcolm Schyvens

New South Wales Civil and Administrative Tribunal

Malcolm Schyvens was admitted as a solicitor of the Supreme Court of Tasmania in 1997. Malcolm holds degrees in law and commerce from the University of Tasmania.

Malcolm is a past president of the Law Society of Tasmania (2007–2008), having been in private practice in Hobart for 11 years. He was also a part-time member of the Guardianship and Administration Board (Tas), the Forensic Tribunal (Tas) and a Director of the Centre for Legal Studies in Hobart. He also held the position of President of the Board of Cosmos Inc (2003–2008), Tasmania's largest provider of day services for persons with an intellectual disability.

Malcolm was appointed as the Deputy President of the Guardianship Tribunal of New South Wales in October 2008 and was subsequently appointed as President of the Tribunal in September 2011. Upon the establishment of the NSW Civil and Administrative Tribunal (NCAT) on 1 Jan 2014 he was appointed as a Deputy President of NCAT and the Division Head for Guardianship.

He is a member of the NSW Law Society's Elder Law and Succession Committee and is currently the Convenor of the Council of Australian Tribunals, NSW Chapter and Chair of the Australian Guardianship and Administration Council.



Warwick Soden

Principal Registrar, Federal Court of Australia

Warwick Soden is the Chief Executive Officer and Principal Registrar of the Federal Court of Australia. Mr Soden is also the Chief Executive Officer and Principal Registrar of the Family Court of Australia. He has the responsibility for the effective and efficient operation of all aspects of the management and administration of the Federal Court, Family Court, Federal Circuit Court of Australia and the National Native Title Tribunal.

Mr Soden takes a very active role in developing new and innovative practices and procedures for the Court. He has been instrumental in designing improvements to the operation of the Courts, which has included, among other things, the implementation of the Electronic Court File in the Federal Court, and its introduction in the family law jurisdiction.

Mr Soden has also established the Courts' Artificial Intelligence Committee and is currently developing an in-court system for digital litigation.



Pre Conference Meetings

Private Meeting Program		
Room	QT Ballroom 1	QT Ballroom 3
9.00 am – 10.30 am	Workers Compensation Tribunal Members Meeting	Specialist Tribunals Meeting (Mental Health/ Health Practitioners)
Room	QT Ballroom 1	QT Ballroom 3
11.00 am – 12.30 pm	Heads of Tribunals Meeting	Australasian Tribunal Administrators Group (ATAG) Meeting Convened by Sian Leathem <i>CEO and Principal Registrar, Administrative Appeals Tribunal</i>

2018 Conference Program

Thursday, 7th June

12.00 pm – 1.00 pm	Lunch/Registration
Room	QT Ballroom
1.00 pm – 1.20 pm	Welcome to Country and Opening Address Anne Britton <i>Chair of COAT National</i> Welcome to Country Paul House <i>Ngambri - Ngunnawal Custodian</i> Opening Address Gordon Ramsay MLA <i>ACT Attorney-General</i>
Session Chair	Anne Britton <i>Chair of COAT National</i>
1.20 pm – 2.10 pm	Keynote Address Access to Justice, Administrative Tribunals and the Rule of Law The Hon Robert Shenton French AC <i>Former Chief Justice of the High Court of Australia</i>
2.10 pm – 2.40 pm	Afternoon Tea

Room	QT Ballroom 1	QT Ballroom 2	QT Ballroom 3
Session Chair	Richard Bruxner <i>President, Northern Territory Civil and Administrative Tribunal</i>	Judge Suzanne Sheridan <i>Deputy President, Queensland Civil and Administrative Tribunal</i>	Kathleen McEvoy <i>Member, South Australian Civil and Administrative Tribunal and National Secretary of COAT</i>
2.40 pm – 3.40 pm	Mastering the Tribunal Tightrope: Recipes for Managing the Mayhem Malcolm Schyvens, <i>New South Wales Civil and Administrative Tribunal (NCAT)</i> , Vicki Campbell, <i>Employment Relations Authority, NZ</i> and Justice Judy Hughes, <i>South Australian Civil and Administrative Tribunal</i> Panel members will discuss examples of issues and their resolution in their jurisdiction.	Providing Access to Justice: Taking Tribunals to the Community Jann Lennard, <i>New South Wales Civil and Administrative Tribunal (NCAT)/ ACT Civil and Administrative Tribunal (ACAT)</i> , Genevieve Nihill AM, <i>Victorian Civil and Administrative Tribunal</i> and Bertus de Villiers, <i>State Administrative Tribunal of Western Australia</i>	The High Court's Decision in <i>Burns v Corbett</i>: Consequences, and Ways Forward, for State and Territory Tribunals Dr Anna Olijnyk <i>Lecturer, Law School, The University of Adelaide</i>
Ten Minute Room Change			
Room	QT Ballroom 1	QT Ballroom 2	QT Ballroom 3
Session Chair	Judge Richard Cogswell SC <i>President, New South Wales Mental Health Review Tribunal</i>	Justice Martin Daubney <i>President, Queensland Civil and Administrative Tribunal</i>	Graeme Neate <i>President, ACT Civil and Administrative Tribunal</i>
3.50 pm – 4.50 pm	Has the Adversarial System Passed its Use-by Date? The Hon Rob Hulls <i>Director, Centre for Innovative Justice, RMIT University, VIC</i>	Thrills, Spills and Skills – Session One: Litigants in Person Dr Liz Richardson <i>Australian Centre for Justice Innovation, Monash University, VIC</i> Dr Nina Boughey <i>University of New South Wales (UNSW)</i>	Thrills, Spills and Skills – Session Two: Conflicts of Interest Laura Beacroft, <i>ACT Sentence Administration Board and ACT Civil and Administrative Tribunal (ACAT)</i> and Professor Peta Spender, <i>ACT Civil and Administrative Tribunal (ACAT)</i>
4.50 pm	Close of Day 1		
7.00 pm – 10.30 pm	2018 COAT National Conference Dinner - Australian War Memorial <i>Pre Dinner Drinks @ 7.00 pm, Guests Seated by 7.30 pm</i> With After Dinner Speaker Chris Latham, <i>Musical Artist in Residence, Australian War Memorial</i>		

Conference Gala Dinner



The Conference Dinner for the 2018 COAT National Conference will be held on the Evening of *Thursday, 7th June* 2018 from 7pm at the Australian National War Memorial.

The Australian War Memorial combines a shrine, a world-class museum, and an extensive archive. The Memorial's purpose is to commemorate the sacrifice of those Australians who have died in war. Its mission is to assist Australians to remember, interpret and understand the Australian experience of war and its enduring impact on Australian society.

The Memorial ranks among the world's great national monuments. Sharply etched grandeur and dignity in its stylised Byzantine profile contrast with a distinctively Australian setting among lawns and eucalypts at the head of a wide ceremonial avenue, Anzac Parade. Kangaroos from nearby bushy hills occasionally add to the physical effect. The Memorial is more than a monument. Inside the sandstone building, with its copper-clad dome, selections from a vast National Collection of war relics, official and private records, art, photographs, film, and sound are employed to relate the story of the Australian nation's experience in world wars, regional conflicts, and international peacekeeping.

The 2018 COAT National Conference Dinner is an opportunity for all Delegates to network with like-minded professionals in a relaxed atmosphere while enjoying outstanding food served in one of Australia's National Iconic Monuments.

WHERE: Australian National War Memorial

WHEN: Thursday, 7 June, 2018

TIME: 7.00 pm - 10.30 pm

TRANSPORTATION: Bus transportation has been organised and will pick delegates up from the QT Canberra at 6.45 pm sharp

DRESS CODE: Smart Casual



Friday, 8th June

8.00 am	Conference Registration – Tea and Coffee on Arrival		
Room	QT Ballroom		
8.30 am – 9.15 am	COAT Annual General Meeting		
Room	QT Ballroom		
Session Chair	Justice David Thomas <i>President, Administrative Appeals Tribunal</i>		
9.15 am – 10.15 am	Keynote Address Advance Australia Where? Making Sense of the Census Denise Carlton <i>Chief Demographer, Australian Bureau of Statistics</i>		
Session Chair	Judge Greg Keating <i>President, New South Wales, Workers Compensation Commission</i>		
10.15 am – 11.00 am	Keynote Address Automating Justice?: Rights and Liberties in a Digital World Professor Genevieve Bell <i>Director of 3A Institute and Professor, Australian National University (ANU)</i>		
11.00 am – 11.30 am	Morning Tea		
Room	QT Ballroom		
Session Chair	Geoffrey McCarthy <i>Presidential Member, ACT Civil and Administrative Tribunal</i>		
11.30 am – 12.15 pm	Keynote Address Tribunals of the Future: Dealing with Security Issues Tom Howe QC <i>Chief Counsel, Dispute Resolution, Australian Government Solicitor</i>		
12.15 pm – 1.15 pm	Lunch		
Room	QT Ballroom 1	QT Ballroom 2	QT Ballroom 3
Session Chair	Karen Whitney <i>President, Western Australia Mental Health Tribunal</i>	Anina Johnson <i>Deputy President, New South Wales Mental Health Review Tribunal</i>	Justice Judy Hughes <i>President, South Australia Civil and Administrative Tribunal</i>

1.15 pm – 2.10 pm	Tribunals of the Future: Emerging Challenges Dealing with Health, Disability and Ageing Issues Emma Montgomery <i>Senior Legal Member, Mental Health Tribunal, VIC</i> Sue Salthouse <i>Disability Advocate, ACT</i> Kate Carnell AO <i>Australian Small Business and Family Enterprise Ombudsman, ACT</i>	Thrills, Spills and Skills – Session Three: Communicating Clearly Gina Frampton <i>Clear Communication Consultant, Writing Comes Alive, NSW</i>	Security: Tribunal Hearings Involving National Security and Other Sensitive and Confidential Issues – Providing Procedural Fairness Tim Begbie <i>Senior General Counsel, Dispute Resolution, Australian Government Solicitor and Paul O’Sullivan AO CNZM, Former Diplomat and Director-General of Australian Security Intelligence Organisation</i>
Five Minute Room Change			
Room	QT Ballroom 1	QT Ballroom 2	QT Ballroom 3
Session Chair	Justice Robertson Wright <i>President, New South Wales Civil and Administrative Tribunal</i>	Judge Richard Cogswell <i>President, New South Wales Mental Health Review Tribunal</i>	Anita Smith <i>Member, Victorian Civil and Administrative Tribunal</i>
2.15 pm – 3.15 pm	Tribunals of the Future – Toward Digital Tribunals? The Community Justice and Tribunals System in Singapore Small Claims Tribunals and Technology in Australian Courts and Tribunals Principal District Judge Bala Reddy, <i>State Courts Singapore</i> , The Hon. Justice Greg Garde AO RFD, <i>President, Victorian Civil and Administrative Tribunal (VCAT)</i> , Warwick Soden OAM <i>CEO and Principal Registrar, Federal Court of Australia</i>	Thrills, Spills and Skills – Session Four: Ex tempore Decisions Lorraine Walker <i>ACT Chief Magistrate</i>	Security: How Secure is Your Tribunal? Justin Davidson <i>Team Leader, Law Enforcement Team, Dispute Resolution, Australian Government Solicitor and Sian Leathem, CEO and Principal Registrar, Administrative Appeals Tribunal</i>

3.15 pm – 3.45 pm	Afternoon Tea
Room	QT Ballroom
Session Chair	Gary Humphries <i>Deputy President, Administrative Appeals Tribunal</i>
3.45 pm – 4.30 pm	Plenary Panel Governments and Tribunals The Hon Philip Ruddock, <i>former Commonwealth Attorney – General</i> , The Hon Rob Hulls, <i>former Victorian Attorney-General</i> and Doug Humphreys OAM, <i>President, New South Wales Law Society</i>
4.35 pm – 4.45 pm	Closing Comments Anne Britton <i>Chair of COAT National</i>
4.45 pm	Close of 2018 COAT National Conference
Room	First Floor Foyer
4.45 pm – 6.00pm	Post Conference Drinks

Conference Abstracts

Thursday, 7th June 2018

Time 1:20pm- 2:10pm

Location QT Ballroom

Access to Justice, Administrative Tribunals and the Rule of Law

The Hon Robert Shenton French AC

The focus of the address will be directed to the role played by administrative tribunals in the legal system in Australia, how it fits into overarching concepts of the rule of law and the extent to which tribunals can enhance access to justice through their procedures, representational arrangements and expedition.

[illegible]

Time 2:40pm- 3:40pm
Location QT Ballroom 1

Mastering the Tribunal Tightrope: Recipes for Managing the Mayhem

Malcolm Schyvens, New South Wales Civil and Administrative Tribunal (NCAT), Vicki Campbell, Employment Relations Authority, NZ and Justice Judy Hughes, South Australian Civil and Administrative Tribunal

A panel consisting of presidential and senior members of a representative sample of Australian and New Zealand tribunals will discuss the ways in which their tribunals respond to the challenge of meeting familiar tribunal objectives whilst keeping at bay the 'evil twins' of those objectives. The topics for discussion will include: flexibility without unpredictability; promptness without expediency; independence without isolation; and other similar pairings. Although panel members will be asked to share 'big picture' insights, the discussion will also extend to practical 'handy hints' for day to day management of the challenges of tribunal life. Audience contributions will be welcomed.

Time 2:40pm-3:40pm
Location QT Ballroom 2

Providing Access to Justice: Taking Tribunals to the Community

Jann Lennard, New South Wales Civil and Administrative Tribunal (NCAT)/ ACT Civil and Administrative Tribunal (ACAT), Genevieve Nihill AM, Victorian Civil and Administrative Tribunal and Bertus de Villiers, State Administrative Tribunal of Western Australia.

Bertus de Villiers

The State Administrative Tribunal services the entirety of Western Australia from its office in Perth. SAT frequently attends hearings and mediations on site in various parts of the state and it also makes extensive use of audiovisual facilities to assist parties to 'appear' and participate in proceedings. This contribution will consider some of the experiences that have been learned over the past 12 years with reference to: (a) onsite mediations; (b) siteviews as part of hearings; (c) strengths and limitations of audiovisual participation.

Jann Lennard

Life in the slow lane: the perils and difficulties of long distance travel, being away from home and working in isolation. There is a difference between working as a regional member of NCAT and a sessional member in ACAT: I will discuss briefly the different approaches adopted by me in working as a mediator, conciliator and decision maker in two very similar but also quite different Tribunal environments.

Time 2:40pm-3:40pm
Location QT Ballroom 3

The High Court's Decision in *Burns v Corbett*: Consequences, and Ways Forward, for State and Territory Tribunals

Dr Anna Olijnyk Lecturer, Law School, The University of Adelaide

The High Court has confirmed, in *Burns v Corbett* [2018] HCA 15, that State tribunals cannot exercise judicial power in matters of the kinds identified in ss 75 and 76 of the Constitution. This includes matters between residents of different States; or involving Commonwealth laws; or in which a constitutional issue is raised. But, as this paper will explain, *Burns v Corbett* has practical consequences for the exercise of *any* judicial power by State (and, arguably, Territory) tribunals. This paper will outline those consequences, and introduce a range of reform options to address the effects of *Burns v Corbett* on State and Territory tribunals.

[illegible]

Time 3:50pm- 4:50pm
Location QT Ballroom 1

Has the Adversarial System Passed its Use-by Date?

The Hon Rob Hulls Director, Centre for Innovative Justice, RMIT University

The adversarial system can trace its roots back to medieval times where disputes were settled by way of trial by combat: parties to a dispute fought in a single battle and the winner was proclaimed to be right, while the loser left with nothing. While much may have changed in relation to the process, the "battle" continues in our courts and tribunals on a daily basis and it often leaves "combatants" feeling traumatised and disenfranchised. The Restorative Justice work undertaken by the Centre for Innovative Justice, shows that there is a better way to repair the harm caused by crimes and to give those seeking "justice" better outcomes than the current processes. This presentation will outline some of this work, in relation to sexual offences, culpable driving, family violence and workplace injuries.

Time 3:50pm- 4:50pm
Location QT Ballroom 2

Thrills, Spills and Skills – Session One: Litigants in Person

Dr Liz Richardson Australian Centre for Justice Innovation, Monash University, VIC Dr Nina Boughey University of New South Wales

Self-represented litigants have been the subject of academic research, government review and tribunal and court policy in Australia and internationally for several decades. These litigants can present challenges to the administration of justice but their experiences and interactions in civil and administrative justice settings also raise important questions about the accessibility of our justice systems. This presentation presents the findings from research conducted by the Australian Centre for Justice Innovation (ACJI) at Monash University for the Australasian Institute of Judicial Administration (AIJA) involving a comprehensive environmental scan of the latest research on the topic of self-represented litigants and leading practices and policies Australia-wide. Key findings from the research, themes and future directions for research will be discussed to provide conference attendees with an understanding about the state of play in this important topic of tribunal and court policy.

Time 3:50pm- 4:50pm
Location QT Ballroom 3

Thrills, Spills and Skills – Session Two: Conflicts of Interest

Laura Beacroft, ACT Sentence Administration Board and ACT Civil and Administrative Tribunal (ACAT) and Professor Peta Spender, ACT Civil and Administrative Tribunal (ACAT)

This session will examine the case law on conflicts of interest for tribunal members, particularly the recent evolution of the 'lay observer' standard for apprehended bias. The session will then present scenarios to explore and debate the ethical, legal and managerial challenges in dealing with conflicts of interest.

[illegible]

Location QT Ballroom

Professor Genevieve Bell, Director of 3A Institute and Professor, Australian National University

One of the persistent promises of Artificial Intelligence is algorithmic rigour applied across domains. For some this is instantiated in decision making stripped of its biases, irrationalities and gut instincts. In short, it promises decision making without human flaws. In this talk, Professor Bell unpacks this promise, and the logic upon which it rests. Reflecting on the past, present and future of artificial intelligence technologies, Bell helps problematize the notion of automating justice and highlights the opportunities and risks that emerge from its application in this field.

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Time 11:30am – 12:15pm

Location QT Ballroom

Tribunals of the Future: Dealing with Security Issues

Tom Howe QC, Chief Counsel, Dispute Resolution, Australian Government Solicitor

Tom will canvass the increasing number of security related issues which now confront tribunals – from secure storage, presentation and publication of confidential information to the personal security of tribunal parties and members.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Time 1:15pm- 2:10pm
Location QT Ballroom 1

Tribunals of the Future: Emerging Challenges Dealing with Health, Disability and Ageing Issues

Emma Montgomery, Senior Legal Member, Mental Health Tribunal, VIC, Sue Salthouse, Disability Advocate, ACT, Kate Carnell, AO Australian Small Business and Family Enterprise Ombudsman

Emma Montgomery

The principles and objectives in the Victorian Mental Health Act 2014 (the Act) emphasise voluntary treatment in preference to compulsory treatment and state that ‘persons receiving mental health services should have their individual needs ... recognised and responded to’ (s. 11(1)(g) of the Act). The treatment criterion under section 5(d) of the Act is that ‘there is no less restrictive means reasonably available to enable the person to receive the immediate treatment’. Thus the Tribunal must consider whether there are other supports that will enable the person to receive the immediate treatment without a compulsory Treatment Order. While the Tribunal’s jurisdiction is confined to decisions about compulsory mental health treatment, hearings concern a broad range of legal and social problems including housing, family violence, unemployment, government welfare payments, use of illicit substances and addiction. Despite Tribunal hearings being solution focused, the Tribunal does not have the legal power to make decisions that provide direct solutions to all of the person’s needs. For example, the Tribunal can suggest a person link with relevant services but cannot direct a person to undertake those services, nor can the Tribunal ensure that these services are provided. This paper will discuss emerging challenges for the Tribunal in the context of the individual and social welfare problems experienced by people with serious mental illness. It will explore the increasingly complex issues that arise for the Tribunal in delivering health justice services to people with serious mental illness.

Sue Salthouse

Sue’s presentation will draw on the ACT experience as an exemplar, to look at the operation of the National Disability Insurance Scheme in that jurisdiction from the viewpoint of consumers. The ACT experience is useful because the Territory can be viewed as a single entity which has been ‘fully rolled out’ since (officially) 1 July 2017. The current shortcomings of the Scheme, as experienced in the ACT, can be used as predictors of where consumers’ problems will lie, post 2020, when the scheme is fully rolled out Australia-wide. There is a human rights imperative which dictated that the current ‘underfunded, unfair, fragmented and inefficient’ disability support system urgently needed reform. An additional urgency is that medical interventions have enabled many children with disabilities to survive into their own old age, with many still being cared for by parents in their 80’s and 90’s. Sue will extrapolate from the current ACT challenges, to identify where problems are likely to arise:— from shortfalls in the size and skillset of the National Disability Insurance Agency (the Agency) workforce; ongoing difficulties managing interfaces, particularly between Health systems and the NDIS as definitions of eligible chronic disease change, the Aged care system and the NDIS as more and more Participants survive into the 50year old age bracket and above; ongoing disconnections between Local Area Coordinator (LAC) organisations and the Agency, unresolved border issues, and increased pressure on public and social housing as more Participants aspire to ‘living in the community.

Kate Carnell AO

Last year, Kate Carnell AO led an independent Review of National Aged Care Quality Regulatory Processes, in conjunction with Professor Ron Paterson ONZM. The Review examined why regulatory processes did not adequately identify the systemic and longstanding failures of care at the Oakden Older Persons Mental Health Service in South Australia. It also identified improvements to the regulatory system, to increase the likelihood of immediate detection and swift remediation by providers. Overall the review identified five key elements of an effective regulator and made 10 recommendations to reform the system. Ms Carnell will provide an overview of the current issues and changing needs of the aged care sector in Australia, and what tribunals need to understand to operate effectively in that space.

Time 1:15pm- 2:10pm
Location QT Ballroom 2

Thrills, Spills and Skills – Session Three: Communicating Clearly

Gina Frampton, Clear Communication Consultant, Writing Comes Alive, NSW

Communicating Clearly: an interactive discussion on how to:

- Be understood when talking to anxious, busy, distracted listeners
- Hear what others are really saying with their words and between their words
- Make people who are unfamiliar with the tribunals' processes feel comfortable
- Develop effective scripts for talking to applicants and others.

Time 1:15pm- 2:10pm
Location QT Ballroom 3

Security: Tribunal Hearings Involving National Security and Other Sensitive and Confidential Issues – Providing Procedural Fairness

Tim Begbie, Senior General Counsel, Dispute Resolution, Australian Government Solicitor and Paul O'Sullivan AO CNZM, Former Diplomat and Director General of Australian Security Intelligence Organisation

Decisions by national security agencies involve complex operational judgments, often with shifting timeframes. Those judgments require a balance between protection of the community, legal requirements, reputational demands and fairness to individuals affected. However, when such decisions come to be reviewed by tribunals, different circumstances may exist and different considerations may arise. Paul will explore these differing perspectives.

When tribunals consider secret information, the competing demands of protection and openness engage a complex set of legal and practical issues. Tim will discuss how tribunals can strike that balance under statutory provisions and the general law.

[illegible]

Time 2:15pm- 3:15pm

Location QT Ballroom 1

Tribunals of the Future – Toward Digital Tribunals?

Principal District Judge Bala Reddy, State Courts Singapore, The Hon. Justice Greg Garde AO RFD, President, Victorian Civil and Administrative Tribunal (VCAT), Warwick Soden OAM CEO and Principal Registrar, Federal Court of Australia

Principal District Judge Bala Reddy

The Community Justice and Tribunals System (CJTS) was implemented on 10 July 2017 in the Small Claims Tribunals and 5 February 2018 in the Community Disputes Resolution Tribunals. The CJTS has several new features which are not found in existing eFiling case systems and which facilitate the speedy and effective resolution of disputes at an early stage. These functions are as follows: The eAssessment tool prompts users to evaluate the strength of their own claim based on a series of questions and validations while ensuring that the matter is within the jurisdiction of the relevant Tribunal. The eNegotiation tool allows the disputants to negotiate a settlement through making proposals and counterproposals in a secured online environment. More than 100 disputes have been settled amicably in the SCT via the eNegotiation tool since July 2017. Our newest function – the eMediation function – is an online chat room which allows the disputants and the mediator to log onto the system at an agreed date and time to resolve the dispute. The mediator has access to the documents filed by the parties and personalised mediator tools such settlement agreement templates and precrafted messages that can aid in resolving the dispute. The mediator is able to also conduct private caucus with one party which the other party would not be privy too.

The Hon. Justice Greg Garde

VCAT has a proud history of providing fair, accessible and efficient justice for Victorians. The Tribunal resolves on average 85,000 cases per year and, as we look to the future, we anticipate changes to its jurisdiction and demand for its services. The next four years will see a transformation of the Tribunal's services. At the heart of this ambitious agenda is the drive to be a contemporary, forwardthinking tribunal. This means being responsive to the dynamic social, technological and legislative environment in which it operates. The Tribunal's strategic plan, VCAT for the Future 201822, is shaped by the standards of International Framework for Court Excellence and builds on the successes of the last four years. Developed through extensive consultations across the Tribunal and with external stakeholders, the priorities reflect the feedback the it received. The community expects easily accessible, tailored services using the latest digital technology and communication. To meet these expectations, the Tribunal is reinventing its digital services for fast, seamless access to VCAT anytime and anywhere across Victoria. There are revenue constraints and there is a distance to go, but expanding access to justice is a core VCAT commitment. The Tribunal intends to make it easier for all Victorians to participate and get the assistance they need.

Warwick Soden OAM

The Federal Court of Australia proactively looks for opportunities to mine massive collections of digital data – “big data” – by using Artificial Intelligence (AI) applications, which have the ability to collect and understand data, thought impossible to do other than by humans. The power of AI has grown exponentially and it is its ability to draw conclusions from big data that significantly interests the Court. The Federal Court has access to 45,977 Electronic Court Files made up of over 450,000 documents. This means that the Federal Court has the potential ability to have AI systems interrogate its big data, use what it learns to enhance access to justice and resolve disputes as quickly, inexpensively and efficiently as possible.

Location QT Ballroom 2

Lorraine Walker ACT Chief Magistrate

The duty of decision-makers to give reasons for a decision is generally the most burdensome aspect of the role given almost universal time pressures and the scrutiny those reasons may be subject to. Judicial and quasi-judicial officers must decide when it is appropriate to deliver an ex tempore decision and when it is more appropriate to reserve a decision in order to prepare crafted written reasons. Relevant considerations include how across the matter the decision-maker was before receiving evidence, how well the decision-maker assimilated the issues and evidence at hearing, how much time, if any, is available between hearing a matter and potentially delivering an ex tempore decision, the significance of the issue and any particular urgency. There are often very real benefits to the parties and the decision-maker in delivering an ex tempore decision. There are practical approaches that can assist a decision-maker to be well-positioned to do so. There are also risks. This presentation will explore the pros, cons and how to of ex tempore decision-making.

Location QT Ballroom 3

*Justin Davidson Team Leader, Law Enforcement Team, Dispute Resolution, Australian Government Solicitor
and Sian Leathem, CEO and Principal Registrar, Administrative Appeals Tribunal*

While most tribunals aim to be accessible and informal, they also have a responsibility to their members, staff and users to maintain an adequate level of security. As a tribunal with a large geographic footprint and a diverse jurisdiction, the Commonwealth AAT has sought to strike the right balance in its approach to security, including the physical layout of its registries and hearing rooms and its appointment of an Agency Security Adviser. The Registrar will outline the AAT's approach to security and discuss some important challenges for tribunals. Justin Davidson of the AGS will explore data security issues that frequently arise in tribunal processes, both in the front-of-house and back-of-house environments. He will focus on key risks and mitigation strategies, taking a consumer-centric perspective on data security.

Location QT Ballroom

The Hon. Philip Ruddock, former Commonwealth Attorney – General, The Hon. Rob Hulls, former Victorian Attorney General and Doug Humphreys OAM, President, New South Wales Law Society

The Hon Philip Ruddock was formerly a member of Parliament for some 43 years and in that time served in many Shadow and Ministerial roles but most importantly, between 2003 and 2007 as the Commonwealth Attorney General. In that role he was responsible for the appointment of many judicial officers including two members of the High Court of Australia as well as many statutory appointments to a variety of administrative appellate bodies. In his contribution, Mr Ruddock will speak of his experience in making such appointments the statutory requirements and the strengths and weaknesses of alternative approaches in making such appointments.

Reflecting on the recent report by the Council of Australasian Tribunals (COAT), the Australia and New Zealand Tribunal Excellence Framework, Mr Humphreys will discuss some of the policy issues and practical issues raised by the report's focus, particularly as it relates to appointments and reappointments by Ministers at the State and Commonwealth levels

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